

RESOLUTION NO. _____, SERIES 2007

A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION SUIT AGAINST THE OWNERS OF CERTAIN PROPERTY IN JEFFERSON COUNTY IN CONNECTION WITH THE BROWNSBORO ROAD/NEW CHAMBERLAIN LANE PROJECT (PARCEL 22).

Sponsored By: Councilman Kelly Downard

WHEREAS, the Louisville/Jefferson County Metro Government ("Metro"), pursuant to KRS 67C.101 (3)(f) may acquire real property for public uses through the exercise of the power of eminent domain; and

WHEREAS, KRS 416.560(1) requires the legislative council of Metro ("Council") to approve the exercise of the power of eminent domain prior to Metro's instituting such proceedings; and

WHEREAS, Metro (as successor to Jefferson County and the City of Louisville) has planned and designed improvements to Brownsboro Road and New Chamberlain Lane, Project Kentucky 22-Section 2, Item No. 320.20, in conjunction with Louisville/Jefferson County Metro Government Department of Public Works.

WHEREAS, as a part of the improvements, it is necessary to acquire additional right of way and a temporary construction easement to widen Kentucky Highway 22 for the use and benefit of the citizens of Metro; and

WHEREAS, Metro has not been able to acquire the right of way and easement described as portions of Parcel 22 in the descriptions attached hereto as Exhibit A ("Condemned Property") from the owners of the Condemned Property through good faith negotiations; and

WHEREAS, KRS 416.550 authorizes Metro to exercise its right of eminent domain against a property when it cannot acquire the property by agreement with the owner thereof.

BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

Section 1: That in order to complete the improvements to Brownsboro Road and New Chamberlain Lane, Project Kentucky 22-Section 2, Item No. 320.20, Metro Government needs to acquire the Condemned Property, as described on attached Exhibit A and platted as Parcel 22 on the plat map attached hereto as Exhibit B. The Condemned Property is a portion of the property acquired by Kirk H. Swigert and Laura Lee Swigert, husband and wife, by deed dated July 15, 1999, of record in Deed Book 7282, Page 073, in the Office of the County Clerk of Jefferson County, Kentucky, the Swigerts conveyed a one-half, undivided interest in the property to Lee Hankins, a single person, by Deed dated April 17, 2002, of record in Deed Book 7862, Page 975 in the Office aforesaid.

PNC Bank, National Association may have an interest in the property pursuant to a Mortgage, dated July 15, 1999, filed of record in Mortgage Book 5189, Page 907, in the Office aforesaid.

Since Metro cannot, by agreement with the owners of the Condemned Property, acquire the Condemned Property, then the Office of the Jefferson County Attorney is authorized to institute condemnation proceedings pursuant to KRS 416.560, *et seq.* against the owners of the Condemned Property.

Section 2: That the Council finds that the Condemned Property needs to be acquired for the public use of Metro.

SECTION III: This Resolution shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Rick Blackwell
President of the Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____